

## HOUSE BILL NO. 347

INTRODUCED BY GUTSCHE, HAMILTON, HARRIS, BRANAE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PERIOD OF TIME DURING WHICH REAL PROPERTY CAN BE CONVERTED OR DIVERTED FROM OPEN-SPACE LANDS; AMENDING SECTION 76-6-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-6-107, MCA, is amended to read:

**"76-6-107. Conversion or diversion of open-space land.** (1) ~~No open-space~~ Open-space land, the title to or interest or right in which has been acquired under this chapter, ~~shall~~ may not be converted or diverted from open-space land use unless the conversion or diversion is:

(a) necessary to the public interest;

(b) not in conflict with the program of comprehensive planning for the area; and

(c) permitted by the conditions imposed at the time of the creation of the conservation easement, IN THE TERMS OF THE ACQUISITION AGREEMENT, OR BY THE GOVERNING BODY RESOLUTION.

(2) Other real property of at least equal fair market value and of as nearly as feasible equivalent usefulness and location for use as open-space land ~~shall~~ must be substituted within a reasonable period not exceeding ~~1 year~~ 5 3 years for any real property converted or diverted from open-space land use. Property substituted is subject to the provisions of this chapter."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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